

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES M. MITICH, Plaintiff, v. LEHIGH VALLEY RESTAURANT GROUP, INC., ET AL., Defendants.	CIVIL ACTION NO. 12-3825
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ORDER RE DEFENDANT'S MOTION TO DISMISS

AND NOW, this 12th day of December, 2012, for the reasons set forth in the accompanying Memorandum, it is hereby **ORDERED** that:

1. Defendants' Motion to Dismiss (ECF Nos. 3 and 4) is **GRANTED in part**, with respect to Plaintiff's claims arising under state law and alleging violation of the Employee Retirement Income Security Act, as amended, 29 U.S.C. § 1001 et seq.;
2. Defendants' Motion to Dismiss is **DENIED in part**, with respect to Plaintiff's claim alleging violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (the "FCRA Claim");
3. If Plaintiff elects to proceed with his FCRA Claim, he must file an amended complaint within fourteen (14) days of this order.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.